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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,960	03/15/2004	Ken Shibazaki	9281-4778	9966
7590 Brinks Hofer Gilson & Lione P. O. Box 10395 Chicago, IL 60610			EXAMINER SHAPIRO, LEONID	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,960	Applicant(s) SHIBAZAKI ET AL.	
	Examiner Leonid Shapiro	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being obvious over Numata et al. (US 6,987,508 B2) in view of Starr (US 5,305,238).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

As to claim 1, Numata et al. teaches an image displaying device (fig. 14,item D, col. 1, lines 14) comprising:

an input unit for selecting said at least one button (fig.15,items 54-55, col.19, lines 1-20); and

a controller for controlling the display unit and the input unit (fig.14, col. 18, lines 49-51) ,

wherein the input unit comprises an operating part operated by an operator, at least one position sensor that detects an operation state of the operating part (col. 7, line 45, item 7, fig. 1), and at least one actuator that applies a specific external force to the operating part (col. 17,line 44).

wherein the controller calculates an the operated distance and an operated direction of the operating part based on at least one position signal output from said at least one position sensor, and moves the cursor based on the calculated operated distance and the calculated operated direction of the operating part.

Numata et al. does not disclose a display unit which displays a cursor and at least one button, the controller calculates an the operated distance and an operated direction of the operating part based on at least one position signal output from said at least one position sensor, and moves the cursor based on the calculated operated distance and the calculated operated direction of the operating part, wherein, when a display screen of the display unit is switched, said at least one actuator is driven to move the cursor to a default position set in the switched display screen at a predetermined moving rate.

Starr teaches a display unit which displays a cursor and at least one button (in reference icon) (col. 11, lines 57-60), the controller calculates an the operated distance and an operated direction of the operating part based on at least one position signal output from said at least one position sensor, and moves the cursor based on the calculated operated distance and the calculated operated direction of the operating part (fig. 4, item 90, col. 4, lines 7-48 and col. 1, lines 61-66), wherein, when a display screen of the display unit is switched, said at least one actuator is driven to move the cursor to a default position set in the switched display screen at a predetermined moving rate (from col. 11, line 61 to col. 12, line 10).

It would have been obvious to one of ordinary skill in the art in the time of the invention to incorporate teachings of Starr into Numata et al. system in order to manage a user's data entry work pace on a data input device (col. 1, lines 10-12 in the Starr reference).

2. Claims 2-3,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numata et al. and Starr as applied to claim 1 above, and further in view of Rosenberg et al. (US 2002/0054019 A1).

As to claim 2, Numata et al. and Starr do not disclose when the cursor is moved to an area having a predetermined radius from a center of said a least one button, said at least one actuator is driven to pull the cursor to the center of said at least one button.

Rosenberg et al. teaches when the cursor is moved to an area having a predetermined radius from a center of said a least one button, said at least one actuator

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is driven to pull the cursor to the center of said at least one button (fig. 16, item 202, P, paragraph 0111).

It would have been obvious to one of ordinary skill in the art in the time of the invention to incorporate teachings of Rosenberg et al. into Starr and Numata et al. system in order to reduce disturbances (paragraph 0008 in the Rosenberg et al. reference).

As to claim 3, Starr teaches the predetermined moving rate is lower than a moving rate of the cursor for pulling the cursor towards the center of said at least one button (from col. 11, line 61 to col. 12, line 10).

As to claim 5, Rosenberg et al. teaches when the cursor is pulled to the center of said at least one button, the controller drives said at least one actuator to impart specific force feedback, which corresponds to said at least one button, to the operating part (fig. 16, item 202, P, paragraph 0111).

Allowable Subject Matter

3. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relative to claim 4 the major difference between the teaching of the prior art of record (Numat et al., Starr and Rosenberg et al.) and the instant invention is that the switched display screen includes a plurality of the default positions so that when the

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display screen of the display unit is switched, the cursor is moved to the nearest one of the default positions.


Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS
05.28.07



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